EPA NO. W54868
FILE NO. L3-27

2162952

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET- SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
http://www.epa.gov/region08

NOV 15 2004

Ref: 8ENF-RC

Chris Gypton, Project Manager
Hecla Mining Company
6500 N. Mineral Drive, Suite 200
Coeur d'Alene, Idaho 83815-9408

Re: Administrative Order on Consent for
Pond 2 Final Closure – Apex Site
Docket No. RCRA-8-99-06

Dear Mr. Gypton:

Thank you for submitting the progress report for September 2004 activities at the Hecla Mining Company ("Hecla") Apex Site. It is our understanding that drainage of excess water from Pond 2 has been a continual challenge for Hecla. Pumping liquids with the vertical wick drains did not prove to be a successful method for extracting sufficient liquids from the tailings pile, and an alternative approach is currently being implemented by Hecla.

The alternative chosen by Hecla includes a series of trenches, horizontal drains and evaporation cells surrounding Pond 2. This is a significant change in approach from the original approved concept that was negotiated between the Environmental Protection Agency ("EPA") and Hecla. According to Paragraph 105 of the Administrative Order on Consent ("Order"), modifications to the Order, which would include changes to the Pond 2 Final Closure Work Plan (an attachment to the Order), may only occur by written amendment signed by EPA.

Before any additional work is completed at the Apex Site, please submit details regarding the change in liquid extraction method. Please answer the following questions in your detailed description:

1. What are the specific details of the liner(s) material used for the evaporation cells?

2. What is the proposed number, type and placement of pumps? Are the pumps working adequately to extract sufficient liquids from the waste pile? If not, what changes does Hecla plan to implement?

3. Since Hecla is no longer recycling water from the tailings pile, what are the liquid disposal options to be utilized by Hecla? What do sample analysis results indicate

for the extracted liquid? Where will these liquid wastes be disposed if they are hazardous or non-hazardous?

4. If the extracted liquid wastes are hazardous, how will these liquids be transported to a disposal facility? Who will be responsible for completing this task?

5. How does Hecla plan to reclaim the trenches, pits and evaporation pond areas after the extraction procedure is completed?

6. How will this change in dewatering procedure affect the decision to determine when to place the final cover material on the tailings pile?

When Hecla has determined that it is appropriate to begin construction of the final cover material on the tailings pile (i.e., when a sufficient amount of liquids have drained from Pond 2), please consult with Eric Johnson of this office prior to initiating construction activities.

If you have any questions regarding this request, please contact Eric Johnson, Environmental Scientist at (303) 312-6357, or Amy Swanson, Enforcement Attorney, available at (303) 312-6906.

Sincerely,

Sharon L Kercher

Sharon Kercher, Director
Technical Enforcement Program
Office of Compliance, Enforcement
and Environmental Justice

cc: Glenn Rogers, Shivwits Band of Paiute
Lawrence Snow, Shivwits Band of Paiute
Tara Marlowe, Paiute Indian Tribe
John Krause, BIA Western Regional Office
John N. Galbavy, Hecla Mining Company
John R. Jacus, Esq., Davis, Graham & Stubbs
Tod J. Smith, Whiteing & Smith